

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of
Khayrallah et al.

Serial No.: **10/736,122**

Filed: **15 December 2006**

For: **Method for Path Searching and
Verification**

Attorney's Docket No: **4015-5158**

PATENT PENDING

Examiner: Vineeta S. Panwalkar

Group Art Unit: 2611

Confirmation No.: 3589

Director in Technology Center 2800
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

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21 August 2007

Date


Kathleen Koppen

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Petition to Review Restriction Requirement Under 37 C.F.R. §1.144

Pursuant to 37 C.F.R. §1.144, the applicants petition the Director to review the restriction requirement issued by the examiner 27 June 2007, and presumably finalized in the communication dated 7 August 2007. While no fees should be required for this petition, the Patent Office is authorized to charge any required fees to Deposit Account 18-1167.

In an Office Communication dated 27 June 2007, the examiner asserted that the application included two distinct inventions: Group I (claims 1 – 27, 39 – 80, and 88 – 125) and Group II (claims 28 – 38 and 81 – 87). In a response dated 16 July 2007, the applicants elected the claims in Group I with traverse.

In presenting the restriction requirement, the examiner asserted that the Group I claims should be classified in class 375, subclass 148, and that the Group II claims should be classified in class 714, subclass 21. Because of the difference in the classification, the examiner states that examining both groups of claims places a serious burden on the examiner.

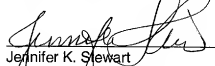
The applicants disagree. Classes 375 and 714 cross-reference each other (see class schedule). Thus, when searching class 375, the examiner is required to also search class 714 (and vice versa). In other words, no serious burden exists because the examiner must search both class 375 and class 714 to properly examine the Group I claims.

Further, by the examiner's own admission both groups of claims are directed to a method and apparatus for determining delays for a receiver. Thus, the applicants fail to understand why the examiner classified the Group I claims differently than the Group II claims. Because both groups of claims require determining path delays for a receiver, examining both groups of claims should require a search through the same prior art material.

In view of the above remarks, the applicants submit that the restriction requirement is improper. The applicants therefore ask the Director to reconsider and withdraw the restriction requirement.

Respectfully submitted,

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Dated: 21 August 2007

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